

**FINDING OF NO SIGNIFICANT IMPACT
AND DECISION RECORD
EA-NM-510-06-50**

DECISION: It is my decision to authorize the Sundry Notices And Reports On Wells, for an on-lease buried pipeline for the Samantha "B" Federal #1 gas well, submitted by McKay Oil Corporation. The provisions for the approval of the Sundry Notice would include the attachment of the Roswell Field Office requirements as defined in the following exhibits; **Exhibit A-** Location Map, **Exhibit B -** The Buried Pipeline Stipulations for the Roswell Field Office, BLM, and any special mitigating measures developed in the environmental assessment.

Upon well abandonment, I recommend that reclamation requirements be attached to the buried pipeline, including additional requirements imperative for the complete reclamation of the disturbed areas. These actions are subject to 43 CFR 3160 regulations for Onshore Oil and Gas operations on federal lease NM-32308.

Authority for these actions is the Mineral Leasing Act of February 25, 1920, as amended.

These actions will affect public lands described as:

New Mexico Principal Meridian

BURIED PIPELINE: (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) Section 31, T. 5 S., R. 22 E.

FINDING OF NO SIGNIFICANT IMPACT: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that impacts resulting from the proposed actions are not expected to be significant and an environmental impact statement is not required.

RATIONALE FOR DECISION: The proposed actions would not result in any undue or unnecessary environmental degradation. Portions of the subject lands and adjacent lands have been used for similar purposes and all present and potential uses and users have been considered.

COMPLIANCE AND MONITORING: The construction phase of the proposed actions and subsequent operational phases will be monitored as per regulations.

/s/John S. Simitz

1/11/06

**For Larry D. Bray, Assistant Field Manager,
Lands and Minerals**

Date

ENVIRONMENTAL ASSESSMENT

EA# NM-510-06-50

WELL NAME & NO.: Samantha "B" Federal #1

BLM Serial #: NM-88084

WELL PAD: Section 31, 660' FSL & 2080' FEL, T. 5 S., R. 22 E.

BURIED PIPELINE: (SE¹/₄SW¹/₄ SE¹/₄) Section 31, T. 5 S., R. 22 E.

Chaves County, New Mexico, NMPM

OPERATOR: McKay Oil Corporation

ACTION: The Sundry Notices And Reports On Wells is being utilized as an application for an on-lease buried gas pipeline construction.

SURFACE/MINERAL ESTATE: Federal Minerals/Surface

I. Introduction

A. Need for the Proposed Action:

The proposed action is needed to develop the lease. An on-lease buried pipeline project has been proposed to transport the gas from the Samantha "B" Federal #1 well to an existing pipeline on the Samantha Federal #1 well pad that is on private surface.

McKay Oil Corporation submitted a Sundry Notice And Report On Wells as an application for an on-lease buried pipeline on 1/11/06. McKay Oil Corporation proposes to construct, operate, and maintain, a buried 2 inch natural gas steel low pressure (30-50 psi) pipeline. The pipeline is approximately 493.3 feet (0.09mile) in length on federal surface and 938.8 feet (0.2mile) on private surface. The pipeline will be buried on federal surface and will traverse federal surface across country until it reaches the tie in point on the Samantha Federal #1 well pad. The entire length of the pipeline will be buried until it reaches the tie-in point. Related appurtenance would consist of a meter station, gas separator, valves, and cathodic protection.

B. Conformance with Land Use Plan:

Oil and gas lease development is in conformance with the Roswell Approved Resource Management Plan and Record of Decision, October 1997. A Sundry Notice was utilized as an application for an on-lease buried pipeline proposed action and the proposal is also in conformance with RFO-RMP.

C. Relationship to Statutes, Regulations, or other Plans:

The proposed action does not conflict with any known State or local planning, ordinance or zoning.

II. Proposed Action and Alternatives

A. Background of the proposed action:

1. **Sundry Notices and Reports on Wells**; was utilized for the on-lease buried pipeline proposal and for the related appurtenance. The pipeline construction would include; burying the pipeline on federal surface across country, constructing a trench within a maximum disturbance limit of 20 feet, and digging a trench approximately 36 inches deep for the purpose of burying the pipeline. The entire pipeline on federal surface would be buried 36 inches deep until it reaches the tie-in point. A trencher is a kind of ditch digging machine that would be used to construct the pipeline trench. The construction of the buried pipeline on federal surface would disturb approximately 0.23 acre of undisturbed areas.

B. Alternatives:

1. Relocate the Proposed Action:

A. Change the Alignment--Reroute the Project (Buried Pipeline)

The proposed buried steel pipeline would be constructed on federal surface until it reaches the tie-in point. The pipeline would be confined within the parameters of the archaeological survey that was done on the pipeline corridor. There are no alternate routes which would have substantially less impacts than or any clear advantages over the proposed action. Therefore the alternative of changing the pipeline route is not analyzed any further.

2. No Action:

Under this alternative the proposal to construct an on-lease pipeline, submitted under the Sundry Notice And Reports On Wells, would be rejected.

III. Description of the Affected Environment

A. General Setting:

The proposed buried pipeline construction is located on federal minerals and surface about 46 miles NE of Roswell, N.M.. Historical and present use of the lands has been limited to livestock grazing and energy development.

B. Rights of Record:

An inspection of the Master Title Plats and other Bureau records revealed the following title information pertaining to valid existing prior rights on the subject lands:

- Oil and gas leases: NM-88084 - covers lease actions.
- No federally administered rights-of-way would be affected in the project area.
- No mining claims are recorded within Sec. 31, T. 5 S., R. 22 E., NMPM.

C. Affected Resources:

The following critical resources have been evaluated and are either not present or are not affected by the proposed action or the alternatives in this EA:

Areas of Critical Environmental Concern (ACEC's)

Cultural Resources (06-R-021-A)
Farmlands, Prime/Unique
Floodplains
Native American Religious Concerns
Wastes, Hazardous/Solid
Wetlands and Riparian Zones
Wild & Scenic Rivers
Wilderness

1. Air Quality:

The area of the proposed action is considered a Class II air quality area. A Class II area allows moderate amounts air quality degradation. The primary sources of air pollution are dust from blowing wind on disturbed or exposed soils and exhaust emissions from motorized equipment.

2. Soils:

The *Soil Survey of Chaves County, New Mexico, Northern Part (USDA Soil Conservation Service 1980)* was used to describe and analyze impacts to soils from the proposed actions. The soil map units represented in the project areas are:

Hollomex, moist-Milner-Reeves, moist loams, 0 to 8 percent slopes (HRB) Permeability of the unit soil is moderate. Runoff of the unit soil is medium and the hazard of water erosion is moderate and the hazard of soil blowing is high.

3. Vegetation: MIXED DESERT SHRUB

This lease is within the mixed desert shrub vegetative community as identified in the Roswell Resource Management Plan/Environmental Impact Statement (RMP/EIS). Appendix 11 of the Draft RMP/EIS describes the Desired Plant Community (DPC) concept and identifies the components of each community. The mixed desert shrub community is primarily made up of desert grasses, shrubs and cacti. The predominant shrub species include creosote (*Larrea tridentata*), mesquite (*Prosopis glandulosa*), tarbush (*Flourensia cernua*), saltbush (*Atriplex canescens*), little leaf sumac (*Rhus microphylla*), sage (*Artemisia* spp.) and javalina bush (*Condalia* spp.) Common cacti encountered are claret cup (*Echinocereus triglochidiatus*), cholla (*Opuntia imbricata*), prickly pear (*Opuntia phaeacantha*), and eagle claw (*Echinocactus horzonthalonius*). Forbs include plantain (*Plantago* spp.), globemallow (*Sphaeralcea* spp.), and buckwheat (*Eriogonum* spp.). Grasses include fluffgrass (*Dasyochloa pulchella*), sideoats grama (*Bouteloua curtipendula*), black grama (*Bouteloua eriopoda*), dropseed (*Sporobolus* spp.), tobosa (*Pleuraphis mutica*) and blue grama (*Bouteloua gracilis*).

The Ecological Site Description for the proposed well pad and access road are [CP-2 Loamy (Pecos-Canadian Plains & Valleys)].

4. Invasive & Noxious Weeds:

There are no known populations of invasive or noxious weed species on the proposed pipeline route.

Infestations of noxious weeds can have a disastrous impact on biodiversity and natural ecosystems. Noxious weeds affect native plant species by out-competing native vegetation for light, water and soil nutrients. Noxious weeds cause estimated losses to producers \$2 to \$3 billion annually. These losses are

attributed to: (1) Decreased quality of agricultural products due to high levels of competition from noxious weeds; (2) decreased quantity of agricultural products due to noxious weed infestations; and (3) costs to control and/or prevent the noxious weeds.

Further, noxious weeds can negatively affect livestock and dairy producers by making forage either unpalatable or toxic to livestock, thus decreasing livestock productivity and potentially increasing producers = feed costs and animal health care costs. Increased costs to operators are eventually borne by consumers.

Noxious weeds also affect recreational uses, and reduces realty values of both the directly influenced properties and adjacent properties.

Recent federal legislation has been enacted requiring state and county agencies to implement noxious weed control programs. Monies would be made available for these activities from the federal government, generated from the federal tax base. Therefore, all citizens and tax payers of the United States are directly affected when noxious weed control prevention is not exercised.

5. Ground Water Quality :

Fresh water sources are in the San Andres and Glorieta Formations. Fresh water is possible down to an approximate depth of 750' in this area and surrounding twps. Deepest Expected Fresh Water: 750'.

6. Wildlife:

Wildlife species utilizing this area for habitat include mule deer, pronghorn antelope, coyote, fox, rabbits, kangaroo rats, pocket gophers, herptile species, as well as a variety of songbirds, dove, quail, and raptors.

No known special status species (plant/animal) or critical habitat is present within the confines of the well pad and pipeline corridor.

There are no known threatened or endangered species of plant or animals within the project area. The list of federal threatened, endangered and candidate species reviewed for this EA can be found in Appendix 11 of the Roswell Approved RMP (AP11-2).

7. Range: The pipeline route is located on a BLM grazing allotment #64007, permitted to Cox-Bilberry, 1908 N. Montana, Roswell, New Mexico 88201.

8. Visual Resources:

The proposed actions are located within a designated VRM Class IV area. The setting presents a winter gray setting, and in warm months, with foliage, a gray to gray-green color pattern.

9. Recreation:

The area around the proposed action site is primarily used by recreational visitors engaged in (hunting) (caving) (sight seeing) (driving for pleasure) (off-highway vehicle use) and other recreational activities. Non-recreation visitors include oil and gas industrial workers and ranchers.

10. Cave/Karst:

While the proposed actions are located in the *Medium Potential Karst Area*, no surface cave/karst features were observed in the immediate vicinity of the proposed actions.

11. Environmental Justice-Minority or Low-income Populations or Communities:

The proposed actions would not affect the minority or low-income populations or communities.

IV. ENVIRONMENTAL IMPACTS

A. Proposed Action Impacts:

The surface disturbance involved in the construction of the pipeline would total about 0.22 acre of federal minerals/surface. The surface disturbance on private surface is 0.43 acre.

1. Air Quality:

Air quality would temporary be impacted with pollution from exhaust emissions, chemical odors, and dust that would be caused by the motorized equipment used to construct the buried pipeline and by the trencher that will be used to construct the trench. Dust dissemination would discontinue upon completion of the construction phase of the pipeline. Air pollution from the motorized equipment would discontinue at the completion of the buried pipeline operations. The winds that frequent the southeastern part of New Mexico generally disperse the odors and emissions. The impacts to air quality would be greatly reduced as the pipeline construction is completed.

2. Soils:

The construction of the buried pipeline would physically disturb about 0.22 acre of topsoil and would expose the substratum soils. The exposed soils would be susceptible to wind blowing and water erosion. Burying the pipeline would minimize these impacts. The impact to the soils would be remedied upon reclamation of the pipeline disturbed areas and vegetation re-establishes.

3. Vegetation:

The construction of the buried pipeline would disturb 0.22 acre. Vegetation impacts would be short-term when the pipeline corridor re-vegetates within a few years, and the reclamation of the buried pipeline route is successful.

4. Invasive & Noxious Weeds:

The construction of a buried pipeline may unintentionally contribute to the establishment and spread of noxious weeds. Noxious weed seeds could be carried onto the project areas by construction equipment, and transport vehicles. The main mechanism for seed dispersion on the buried pipeline route is by equipment and vehicles that were previously used and or driven across or through noxious weed infested areas. The potential for the dissemination of invasive and noxious weed seeds may be elevated by the use of construction equipment typically contracted out to companies that may be from other geographic areas in the region. Washing and decontaminating the equipment prior to transporting the equipment onto the construction areas would minimize this impact.

Impacts by noxious weeds will be minimized due to requirements for the company to eradicate the weeds upon discovery. Multiple applications may be required to effectively control the identified populations.

5. Surface/Ground Water Quality:

The use of steel pipelines would greatly reduce or eliminate the potential for groundwater contamination from spills from broken pipelines and other surface sources.

6. Wildlife:

Some small wildlife species may be killed and their dens or nests destroyed during construction of the buried pipeline. The construction of the buried pipeline could cause fragmentation of wildlife habitat. The short-term negative impact to wildlife would occur during the construction phase of the operation due to noise and habitat destruction. In general, most wildlife species would become habituated to the new facilities. For other wildlife species with a low tolerance to activities, the operations on the well pad would continue to displace wildlife from the area due to ongoing disturbances such as vehicle traffic and equipment maintenance. The conditions of approval would alleviate most losses of wildlife species, such as, burying the pipeline. Upon completion of the project on the pipeline corridor, the area would revegetate and wildlife would return to previous levels.

7. Range:

There would be some minor disruption of livestock grazing in the pasture, specifically during the construction phase of the buried pipeline. Vehicle traffic would increase in the area, which may lead to conflicts with livestock.

8. Visual Resources:

Facilities, such as condensate and produced water or oil storage tanks that rise above eight feet, would provide a geometrically strong vertical and horizontal visual contrast in form and line to the characteristic landscape and vegetation, which have flat, horizontal to slightly rolling form and line. The construction of an access road, well pad, and other ancillary facilities, would slightly modify the existing area visual resources. The proposed actions are located in areas designated VRM Class IV.

The objective of Class IV is to: "Provide for management activities which require major modification of the existing landscape character...Every attempt, however, should be made to reduce or eliminate activity impacts through careful location, minimal disturbance, and repeating the basic landscape elements."

Through color manipulation, by painting well facilities to blend with the rolling to flat vegetative and/or landform setting with a gray-green to brownish color, the view is expected to favorably blend with the form, line, color and texture of the existing landscape. The flat color Slate Gray from the standard environmental colors also closely approximates the brownish color of the setting. All facilities, including the meter building, would be painted this color.

Cumulative adverse visual impacts can be avoided by gradually moving into a more appropriate vegetative/landform setting color scheme.

9. Recreation:

Oil and gas activities would have little or no affect on recreational opportunities within these areas. Large blocks of public land would allow recreationists to use public lands and avoid the oil and gas facilities within the areas.

10. Cave/Karst:

While the proposed actions are located in the *Medium Potential Karst Area*, no surface cave/karst features were observed in the immediate vicinity of the proposed actions.

11. Environmental Justice-Minority or Low-income Populations or Communities:

The proposed actions would not impact the minority or low-income populations or communities.

B. Alternatives:

1. Relocation Alternative:

The alternative of changing the location involved in this action was not analyzed further because no other alternative location would have significantly fewer impacts than, or has a clear advantage over, the proposed location.

2. No Action Alternative:

The no action alternative would constitute denial of the application. This alternative would have no consequential results from the identified environmental impacts. There would, however, be an adverse economic impact to the applicant through the denial of the lessee's right to develop the mineral reserves or through increased costs of accessing those mineral reserves through other means. There have been no significant or unmitigatable impacts identified as a result of this analysis, which would warrant selection of the no action alternative.

C. Mitigation:

The Roswell Field Office; (Exhibit A) Map, (Exhibit B) The Buried Pipeline Stipulations for the Roswell Field Office, BLM, and the special requirements derived from this EA, would be applied to this proposed action to minimize the surface disturbance and conserve the surrounding landscape.

D. Cumulative Impacts:

While it is likely that there will be no significant cumulative impact from the proposed action, continued oil and gas development, and other surface-disturbing activities in this area, may potentially have negative cumulative impacts on vegetation, soil, water, livestock, wildlife, and visual resources.

V. Consultation and Coordination

An onsite inspection was conducted on the pipeline route 5/11/05. In attendance was Mr. James Schultz, Agent for McKay Oil Corporation, and Richard Hill, Environmental Protection Specialist, BLM Roswell Field Office. Coordination and consultation has occurred with the applicant's agent. The comments and suggestions expressed during the onsite consultation have been incorporated into this EA.

Coordination and consultation has occurred with Roswell Field Office's Staff. The comments and suggestions expressed during the analytical review of the proposed action have been incorporated into this Environmental Assessment.

Reviewed by:

Irene Gonzales, Realty Specialist

Date



EXHIBIT B

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ROSWELL FIELD OFFICE -BLM
BLM Serial Number: NM-88084
Company Name: McKay Oil Corporation
Well Name and Number: Samantha "B" Federal #1 - Pipeline
BURIED PIPELINE: (SE¹/₄SW¹/₄ SE¹/₄) Section 31, T. 5 S., R. 22 E.

BURIED PIPELINE STIPULATIONS FOR THE ROSWELL FIELD OFFICE, BLM.

A. THE APD AND/OR THE SUNDRY NOTICE WAS USED FOR THE ON-LEASE BURIED PIPELINE CONSTRUCTION.

1. The APD and/or Sundry Notice And Report On Wells can act, to the extent possible, as an application for the on-lease construction of the buried pipeline on Federal surface lands. In combination with the approved APD, the following standard terms and conditions are hereby attached to the APD/SN on-lease authorization.

B. The holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer, BLM.

1. The BLM shall administer compliance and monitor construction of the pipeline. Notify **Richard G. Hill** at least **3** working days (72 Hours) prior to commencing construction of the pipeline. Roswell Field Office number (505) 627-0247.

2. PIPELINE CONSTRUCTION:

A.) The entire length (493 feet) of pipeline shall be buried in a trench 36 inches deep and 46 inches deep under all existing access roads.

B.) The 4 inch steel pipeline shall be buried until it reaches the tie-in point on the Samantha Federal #1 well pad, SE¹/₄SE¹/₄ of Section 31, T. 5 S., R. 22 E..

C.) The pipeline construction on the well pad shall not impede any well operations.

D.) The holder shall consult with the Authorized Officer if the depth cannot be accomplished due to rock outcropping, or if the soils are not deep enough.

E.) The operations shall be contained within the perimeters of the archaeological surveyed areas.

3. The holder shall conduct all activities associated with the construction, operation, and removal of the pipeline within the authorized limits of the pipeline corridor, **not to exceed 20 feet**. The holder shall consult with the Authorized Officer prior to utilizing more surface than the allowable limits of the pipeline corridor or for approval of any changes that are made to the pipeline route.
4. Clearing and/or blading of all vegetation shall be allowed. Clearing is defined as the removal of brush while leaving ground vegetation (grasses, weeds, *etc.*) intact. Clearing is best accomplished by holding the blade 4 to 6 inches above the ground surface to reap the vegetation. Blading is defined as the complete removal of brush and ground vegetation. **Where blading and/or clearing is allowed, the maximum surface disturbance width of these operations shall not exceed 20 feet.**
5. **The pipeline shall be buried under all roads. The holder shall bury the pipeline 48 inches deep and 30 feet across all road crossings.** The pipeline shall be buried 48 inches deep in order for the buried pipeline to be covered with a layer of soil 45 inches in depth between the top of the pipeline and the road surface level. The width of maximum disturbance on all roads is **30 feet** and in order to secure that the buried pipeline is protected from maintenance and/or renovation work on the roads, the holder is required to start and end construction of the buried pipeline outside the perimeters of the road width maximum disturbance width. The holder shall consult with the Authorized Officer if the depth cannot be accomplished due to rock outcropping, or if the soils are not deep enough.
6. The approval of this APD/SN for pipeline construction does not in any way imply or approve any other on-lease, off-lease, or off-unit action(s). It is the responsibility of the holder to obtain other approval(s) such as rights-of-way from the Roswell Field Office or other agencies, including private surface landowner(s).
7. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this authorization.
8. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, *et. seq.*) with regard to any toxic substances that are used, generated by, or stored on the pipeline corridor. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, *etc.*) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
9. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et. seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et. seq.*) on the pipeline corridor (unless the release or threatened release is wholly unrelated to the holder's activity on the pipeline corridor). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

10. If, during any phase of the construction, operation, maintenance, or termination of the pipeline, any gas, or other pollutant should be discharged, impacting Federal lands, the control and total removal, disposal, and cleaning up of such pollutants, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of the holder to control, dispose of, or clean up such discharge on, or affecting Federal lands, or to repair all damages to Federal lands resulting therefrom, the Authorized Officer may take such measures as deemed necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the Authorized Officer shall not relieve the holder of any liability or responsibility.

11. The holder shall minimize disturbance to existing fences and other improvements or facilities on public lands. When necessary to pass through a fence line, the fence will be braced on both sides of the passageway prior to cutting of the fence. No permanent gates will be allowed unless approved by the Authorized Officer. The holder is required to promptly repair impacted improvements or facilities to at least their former state. The holder shall contact the owner(s) of any improvements or facilities prior to disturbing them.

12. Vegetation, soil, and rocks left as a result of the pipeline construction, or maintenance activity will be randomly scattered over the project area and will not be left in rows, piles, or berms, unless otherwise approved by the Authorized Officer. An earthen berm is approved to be left over the ditch line to allow for the trench settling back to grade.

13. In those areas where erosion control structures are required to stabilize soil conditions, the holder shall install such structures as are suitable for the specific soil conditions being encountered and which are in accordance with sound management practices. Any earth work not specifically granted by this authorization shall require prior approval by the Authorized Officer.

14. The holder shall seed all surface disturbed by the pipeline construction activities. Seeding is required on the disturbed areas and the seed mixture was determined by the Roswell Field Office for the Desired Plant Community on this pipeline project.

A. Desired Plant Community seed mixture to be planted in pounds of pure live seed per acre:

Alama silt loam, dry, 0-3% Slope; Hollomex loam, 1-9% slope, dry; Reeves loam, 0-2% slope, dry; Milner loam, 0-2% slope, dry

Loamy SD-3 for CP-2 Loamy Ecological Site

<u>Common Name and Preferred Variety</u>	<u>Scientific Name</u>	<u>Pounds of Pure Live Seed Per Acre</u>
Blue grama, var. Lovington	<i>(Bouteloua gracilis)</i>	4.00 Lbs.
Sideoats grama, var. Vaughn or El Reno	<i>(Bouteloua curtipendula)</i>	1.00 Lb.
Sand dropseed	<i>(Sporobolus cryptandrus)</i>	0.50 Lb.
Vine mesquite	<i>(Panicum obtusum)</i>	1.00 Lb.

Plains bristlegrass	(<i>Setaria macrostachya</i>)	1.00 Lb.
Indian blanketflower	(<i>Gaillardia aristata</i>)	0.50 Lb.
Desert or Scarlet	(<i>Sphaeralcea ambigua</i>)	
Globemallow	or (<i>S. coccinea</i>)	<u>1.00 Lb.</u>
TOTAL POUNDS PURE LIVE SEED PER ACRE		9.00 Lbs.

If one species is not available, increase ALL others proportionately. Certified Weed Free Seed. A minimum of 4 species is required, including 1 forb species.

B. The recommended time to seed is from June 15th through September 15th. The optimum seeding time is in mid-July. Successive seeding should be done either late in the fall (Sept. 15th - Nov. 15th, before freeze up) or early as possible the following spring to take advantage of available ground moisture. However, the holder may seed immediately after completing the surface disturbing activities.

C. The holder shall be responsible for the establishment of vegetation on the pipeline route. Evaluation of vegetation growth will not be made before the completion of the first growing season after seeding. The Authorized Officer reserves the right to require reseeding at a specific time if seed does not germinate after one growing season. Waiver of this requirement would be considered if diligent attempts to revegetate the disturbed areas have failed and the Authorized Officer determines that further attempts to replant the disturbed area is futile.

15. All above-ground structures (e.g.: meter houses, above ground pipelines, and related appurtenance, etc.) not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard Environmental Colors" designated by the Rocky Mountain Five-State Interagency Committee. The color selected for painting all the well facilities is Slate Gray, Munsell Soil Color Chart Number 5Y 6/1.

16. The holder shall post signs designating a pipeline crossing at the following locations: the points of origin and completion, or entry to and exit from public lands, at all road crossings. These signs shall be posted in a permanent, conspicuous manner, and shall be maintained in a legible condition until the pipeline no longer services the well and is removed.

17. The holder shall not use the pipeline corridor as a road except during periodic routine maintenance work as determined necessary by the Authorized Officer. The pipeline corridor shall not be used for any other purposes than for what it was hereby approved. The holder shall consult with the Authorized Officer if the disturbed areas are used for other reasons than for maintenance purposes. The holder shall take whatever steps are necessary to ensure that the pipeline corridor is not used as a roadway.

18. Any cultural and/or paleontological resource (i.e.: historic or prehistoric site or object) discovered by the holder, or any person working on the holder's behalf, on Federal land shall be immediately reported to the Authorized Officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions that shall be taken to prevent the loss of significant cultural or scientific values. The holder shall be responsible for the cost of evaluation of any cultural and/or paleontological resources that are discovered. Any decision as to the proper mitigation measures shall be made by the Authorized Officer after consultation with the holder.

19. The holder is hereby obligated to comply with procedures established in the Native American Graves Protection and Repatriation Act (NAGPRA) to protect such cultural items as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered inadvertently during the course of project implementation. In the event that any of the cultural items listed above are discovered during the course of the project work, the holder shall immediately halt the disturbance and contact the BLM within 24 hours for instructions. The holder or initiator of any project shall be held responsible for protecting, evaluating, reporting, excavating, treating, and disposing of these cultural items according to the procedures established by the BLM in consultation with Indian Tribes. Any unauthorized collection or disturbance of cultural resources may result in a shutdown order by the Authorized Officer.

20. Special Stipulations: ****NONE****

PIPELINE